

II. Remarks

Claims 1-10, and 18 were pending in this application. Claims 1-7 are rejected and claims 8-10, and 18 are objected to. The present amendment adds new claims 26-33 and amends claims 1, 5-10, and 18 to correct minor errors and to more particularly point out and clarify Applicants' invention. No new matter has been added by the present amendment. After this amendment, claims 1-10, 18, and 26-33 will be pending.

Reconsideration of the application in view of the following remarks is respectfully requested.

Rejections under 35 U.S.C. § 112

Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention.

Claim 1 has been amended to recite "a vehicle seat having a squab and a back-rest." This was in response to a rejection that "a vehicle of the type having a squab and a back-rest" renders the claim indefinite because the phrase "of the type" encompasses elements not actually disclosed. Accordingly, Applicants believe that the amendment has cured the 35 U.S.C. § 112, second paragraph, rejection of claim 1.

Rejections under 35 U.S.C. § 102

Claims 1-4 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,206,466 issued to Komatsu ("Komatsu"). Applicants respectfully submit that the rejections of claims 1-4 are traversed.

Claim 1 has been amended to recite that the air-bag unit is mounted such that the inflator is located adjacent to a rear-most region of the frame so that a significant length of the air-bag bears against the frame as the air-bag is inflated upon the deployment, urging the airbag towards the occupant. Support for this amendment may be found in Applicants application at paragraph [0044].

Komatsu discloses a side air-bag module 3 that is disposed in a large space 12 formed within a seat cushion pad 11. The space 12 also accommodates a tubular seat back frame 6 and a mounting bracket 7 that is connected to the frame 6 and extends generally outward and forward therefrom. The airbag module 3 is mounted on a mounting surface 14 of the mounting bracket 7. The mounting surface 14 is immediately adjacent to the bracket's forward portion 7B, which is close to an outboard front surface of the seat back. *Komatsu* at col. 4, lines 8-55. As illustrated in Figures 1-2 and 6-7, the air-bag module 3 is substantially spaced apart from the seat frame 6 in a forwardly direction. Within the air-bag module 3 is an un-illustrated inflator, a base 15 and an air-bag 17 that is arranged forward of both the base 15 and the inflator. Both the base 15 and the inflator guide the burst-out of the airbag. *Id.* at col. 4, lines 56-67 and col. 5, lines 1-3. Notably, however, Komatsu discloses that this arrangement is a problem because the position

and direction of the burst-out of the air-bag 17 is imprecise. *Id.* at Col. 5, lines 4-7. Accordingly, Komatsu disclose providing a reinforcing member 18 on the rear side of the seat's cushion pad 11, inboard and adjacent to the air-bag module 3. The reinforcing member 18 has a front end portion 18A which is positioned generally inward and forward from the air-bag module 3 to control the manner in which the cushion pad 11 will tear. *Id.* at col. 5, lines 9-16 and col. 6, lines 54-65. Specifically, "the reinforcing member 18 functions as a guide for defining the portion 20 along which the cushion pad 11 breaks under bursting force of the air-bag 17." *Id.* at col. 6, lines 19-22. Thus, the air-bag module 3, which is forwardly spaced apart from the frame 6, will inflate the air-bag 17 to burst through the cushion 11 in a generally inward and forward direction, which is opposite the direction of both the frame 6 and the mounting bracket 7. There is no disclosure that the air-bag 17 will have any portion that bears against the frame 6. Moreover, there is no disclosure that the airbag 17 will bear against the mounting bracket 7 or that the un-illustrated inflator is located adjacent to a rear-most region of the frame 6. Neither the frame 6 nor the mounting bracket 7 is disclosed as guiding or urging the air-bag 17 towards the seat occupant.

This is unlike Applicants' invention as recited in claim 1 where the air-bag unit is mounted such that the inflator is located adjacent to a rear-most region of the frame so that a significant length of the air-bag bears against the frame as the air-bag is inflated upon the deployment, urging the airbag towards the occupant. In that Komatsu lacks the noted elements of claim 1,

the rejection based thereon should be withdrawn. Accordingly, Applicants believe claim 1 and its dependent claims are in a condition for allowance.

Rejections under 35 U.S.C. § 103

Claims 5-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Komatsu in view of U.S. Patent No. 5,957,486 issued to Taguchi ("Taguchi"). Applicants respectfully submit that the rejections of claim 5-7 are traversed.

Since claim 5-7 depend on claim 1 and since Taguchi fails to disclose a side air-bag unit mounted such that the inflator is located adjacent to a rear-most region of the frame so that a significant length of the air-bag bears against the frame as the air-bag is inflated to urge the airbag towards the occupant, Komatsu and Taguchi cannot render the claim of the present invention as obvious. The rejection under 35 U.S.C. § 103(a) is therefore improper and should be withdrawn.

Allowable Subject Matter

Claims 8-10 and 18 were indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have rewritten claims 8-10 and 18 to include all of the limitations of the base claim and the intervening claims and therefore, are believed to be in a condition for allowance.

Claims 26-33 depend from either claim 8 or 9 or an intervening claim which depends from either claim 8 or 9 and therefore, are believed to be allowable therewith.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,

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Date

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